

**Unapproved**

**SALEM ZONING BOARD OF APPEALS  
January 28, 2010**

Present: Bellandese, K.  
Bernier, J.  
Cole-Chu, L.  
S. Crisanti, Alt. - arrived at 7:54 pm  
Kozlowski, S., Alt.  
Mullin, M.  
Nortz, R. - seated at 8:36 pm

Absent: G. Balavender, Alt.

Guests: see attached.

**CALL TO ORDER:**

L. Cole-Chu, chairman, called the meeting to order at 7:33 pm.

**SEATING OF ALTERNATE(S):**

With the Board's consent, the chairman seated S. Kozlowski for R. Nortz. Vote: approved unanimously.

**PUBLIC HEARING(S):**

- 1) #10-1 Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420  
Request for a variance of Section 5A.2.1 of the Salem Zoning  
Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL  
ZONE) for the conversion of a seasonal use to year-round use.  
Assessor's Map #22; Lot #2 119 Forest Drive Ext.

Legal Notice read.

All Certificates of Mail received  
as per the Regulations.

E. Turchan, applicant, appeared:

Read memo of 12/29/09 (see attached to the filed copy of these minutes) she  
had written to the Board and included in her application package.

The letter stated the Turchan's personal reasons for  
hardship for which, by State Statutes, the Board cannot  
approve a variance.

At this time the chairman read the ZBA Rules of Procedure.

Public Comments:

- W. Schultz, 19 Forest Drive - opposed to the request for variance; submitted *SALEM PLANNING & ZONING/KENDALL KNOLLS, 1960-2006* (2 pages) (see attached to the filed copy of these minutes), which outlines the seasonal/year-round matters in the Kendall Knolls (Forest Drive) area for forty-six (46) years.
- L. Rich, 121 Forest Drive - in support of approval of this variance for year-round use.
- R. Neddo, 71 Forest Drive - against the variance as it is against the Salem Zoning Regulations as they are written; very disappointed with the town/PZC in the way they have handled the seasonal/year-round issues; the process has torn apart the neighborhood; the ZBA must take into account what the houses on the lake on ¼ acre lots are doing to the lake.

S. Crisanti, Alt., arrived at the meeting.

E. Turchan stated that she was very careful with lawn products and has never has any septic problems.

- C. Thomas, 18 Tamarack Place - daughter of Ed & Elva Turchan; in favor of the variance; she is aware of their health problems and there are ways to protect the environment if required.
- D. Gernhardt, 99 Forest Drive Ext. - in favor of the conversion request; the original subdivision was done before zoning; the Turchan, the Sullivan and her property were there in 1918 when her grandmother and grandfather originally bought the property.
- D. Lavoie, 102 Forest Drive - in favor of the Turchan house for conversion to year-round; it was there before zoning; it was the original boathouse.
- W. Schultz, 19 Forest Drive - Clauson built an A-Frame on the Turchan lot in 1970; in 1995 two (2) Building Permits were issued, one to expand the deck and the other to add a second floor.
- C. Lindo, owner of 37 Forest Drive - supports the fact that all lots should be year-round as long as they can meet the septic requirements.

M. Mullin:

Stated that the Zoning Board of Appeals cannot change zoning regulations. Only the Planning and Zoning Commission can change the Zoning Regulations. The ZBA must deal with the Salem Zoning Regulations as they are written today.

L. Cole-Chu, chairman read the following correspondence into the record:

- K. Egan, owner of 97 Forest Drive - in favor of the request for variance.

- R. & E. Sullivan, owner of 95 Forest Drive - 100% in favor of the request for variance.

Further Public Comments:

- D. Gernhardt, 99 Forest Drive Ext. - noted that all those speaking in favor of the variance are owners of property down the hill near the lake; those who are against it live up the hill.
- P. Hansen, 82 Forest Drive - this decision cannot be made emotionally.

M/S/C (Mullin/Bernier ) to close the public hearing on application #10-1 of:

Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420  
Request for a variance of Section 5A.2.1 of the Salem Zoning Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL ZONE) for the conversion of a seasonal use to year-round use.  
Assessor's Map #22; Lot #2 119 Forest Drive Ext.

Vote: approved unanimously.

Board discussions in regard to hardship for this application:

- In order for the ZBA to grant a variance, a hardship must be shown. A hardship must be land related and not due to personal circumstances.
- The ZBA cannot act on compassion and sympathy.
- The State Statutes deal with the way a ZBA must operate.
- The Board feels much compassion for the applicants, but health problems are not a hardship.

At this time the Board felt they were ready to make a decision.

The chairman stated that the motion must be worded in the affirmative and that he would draft a motion.

The Board took a five (5) minute recess.

M/S/D (Cole-Chu/Bellandese) to approve application #10-1 of:

Ed & Elva Turchan, 119 Forest Drive Ext., Salem CT 06420  
Request for a variance of Section 5A.2.1 of the Salem Zoning Regulations (Permitted Uses in the SR SEASONAL RESIDENTIAL ZONE) for the conversion of a seasonal use to year-round use.  
Assessor's Map #22; Lot #2 119 Forest Drive Ext.

on the grounds that a legal hardship justifying the variance has been proven.

Vote: For approval - No one. For denial - Bellandese, Bernier, Cole-Chu, Kozlowski, and Mullin. Abstentions - none.

MOTION DENIED.

R. Nortz had arrived at the meeting during the public hearing

S. Kozlowski stepped down.

R. Nortz assumed her seat on the Board.

**RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARING DATE(S):**

There were no applications for which to set public hearing dates this evening.

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

**1) September 24, 2010 - Regular Meeting**

M/S/C (Nortz/Bellandese) to approve the minutes of the September 24, 2010 Regular Meeting of the Salem Zoning Board of Appeals as presented. Vote: approved unanimously.

**OLD BUSINESS:**

**1) Such other Old Business as may be proper**

There was no *OLD BUSINESS* this evening.

**NEW BUSINESS:**

**1) Approval of Meeting Dates for 2010**

Discussion in regard to having the ZBA meetings begin at 7:00 pm.

It was the Board's consensus that having the meetings remain at 7:30 pm was the best time.

M/S/C (Mullin/Bernier) to approve the Salem Zoning Board of Appeals Meeting Dates for 2010 as presented (see copy of dates attached to the filed copy of these minutes). Vote: approved unanimously.

**2) Election of Officers**

M/S/ (Bellandese/Bernier) to nominate Lee Cole-Chu for Chairman of the Salem Zoning Board of Appeals for the year 2010.

M/S/ (Bellandese/Mullin) to nominate Rebecca Nortz for Vice Chairman of the Salem Zoning Board of Appeals for the year 2010.

M/S/ (Nortz/Bellandese) to nominate Michael Mullin for Secretary of the Salem Zoning Board of Appeals for the year 2010.

M/S/C (Nortz/Bellandese) to close nominations for Officers of the Salem Zoning Board of Appeals for 2010 and approve the slate as nominated. Vote: approved unanimously.

The officers of the Salem Zoning Board of Appeals for 2010 will be:

Lee Cole-Chu                      Chairman

Rebecca Nortz                      Vice Chairman  
Michael Mullin                      Secretary

**3) Revision of State Fee amount on ZBA application form**

The State of CT has increased thier fee on all land use applications from \$30.00 to \$60.00.

The amount of \$30.00 remains on the ZBA application form and must be changed.

The Board took the following action:

M/S/C (Cole-Chu/Nortz) to direct the Administrative Assistant to change the Salem Zoning Board of Appeals application form as follows:

Page 3, at the top of the page, change *5) An application fee of \$215.00 (\$185.00 + a non-refundable \$30.00 State fee) payable to the Town of Salem* to *"5) An application fee of \$245.00 (\$185.00 + a non-refundable \$60.00 State fee) payable to the Town of Salem."*

Vote: approved unanimously.

**4) Such other New Business as may be proper**

**ZBA Legal Notice and ZBA application fee**

The Board discussed as to whether the application fee is covering the ZBA legal noticing costs.

D. McTigue, Admin. Asst., will review The Day newspaper invoices for ZBA legal notices and report back to the Board at their next meeting.

**CORRESPONDENCE/ANNOUNCEMENTS:**

There was no *CORRESPONDENCE/ANNOUNCEMENTS* this evening.

**ADJOURNMENT:**

M/S/W (Nortz/Mullin) to adjourn the meeting at 9:04 pm.

MOTION WITHDRAWN

D. Gernhardt, co-owner of 99 Forest Drive Ext.:

Requested to address the Board on the matter of notification of property owners in the vicinity of a parcel for which a variance is being requested.

Though a moot point due to the denial of the Turchan variance request this evening, her property at 99 Forest Drive Ext. is within 500 feet of the Turchan property and she did not receive a notification. She thinks that this is because there were more

properties on another Assessor's Map, which were also within 500 feet of the Turchan property.

In the Town of Hebron, where she is the Assistant Assessor, the town's GIS program generates a map that is given to all ZBA applicants of the properties within 500 feet of the applicant's property.

The Town of Salem does have a GIS system, but all properties are not yet on the system.

The Board will investigate this matter and, for the meantime, took the following action:

M/S/C (Cole-Chu/Bellandese) to direct the Administrative Assistant to require all applicants to provide a copy of the Assessor's Map(s) with all properties within 500 feet of the subject property of the variance request designated on the map with their application.  
Vote: approved unanimously.

M/S/C (Nortz/Mullin) to adjourn the meeting at 9:29 pm. Vote: approved unanimously.

D. McTigue, Administrative Assistant/Recording Secretary  
L. Cole-Chu, chairman